



## **ZONING ADMINISTRATOR**

### **NOTICE OF DECISION**

**Date:** August 14, 2014  
**Applicant:** Lord Architecture Inc.  
**Case No.:** ZAV-14-01  
**Address:** 810 Buena Vista Way  
**Project Planner:** Caroline Young

Notice is hereby given that on August 14, 2014, the Zoning Administrator considered Variance (ZAV) application (ZAV-14-10), filed by Lord Architecture Inc. ("Applicant"). The Applicant requests ZAV approval to allow an increase in height of a sloped plantable keystone retaining wall above the allowable 9-ft. to a maximum height of 13.5-ft. The Project is located at 810 Buena Vista Way ("Project Site") and is owned by Church of Joy- Lutheran ("Property Owner"). The 8.43-acre Project Site is zoned Planned Community, Community Purpose Facility (PC-CPF) by the Rancho Del Rey SPA 1 and has a General Plan designation of Residential Medium High (RMH). The Project is more specifically described as follows:

The Project consists of a variance to increase the height of a sloped plantable keystone retaining wall above the allowable 9-ft. to a maximum height of 13.5-ft. The wall will be constructed during Phase 2, as part of a Master Plan for the Church of Joy and Lutheran High School. The wall is required to allow room for additional parking, a trash enclosure, modular maintenance building, and landscaping for the church and school. The wall will be located behind the proposed parking lot area on the southwest portion of the site, once the existing temporary modular buildings are removed. The portion of the wall located along East H Street will be 0-ft. high at the property line and then gradually increase to 9-ft. behind the 20-ft. exterior side yard setback area. The portion of the wall visible from East H Street will meet the standard height requirement. The height of the wall increases up to 13.5-ft. as it starts to meander behind the trash enclosure. The retaining wall then decreases in height toward the multi-use field at the end of the wall. The Variance would allow an increase to the height of the wall above 9-ft.

The Development Services Director has reviewed the proposed project for compliance with the California Environmental Quality Act and has conducted an Initial Study, IS-13-002, in accordance with the California Environmental Quality Act. Based upon the results of the Initial Study, the Development Services Director has determined that the project could result in significant effects on the environment. However, revisions to the project made by or agreed to by the applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; therefore, the Development Services Director has prepared a Mitigated Negative Declaration, IS-13-002 and associated Mitigation Monitoring and Reporting Program. On August 13, 2014, the Planning Commission considered and adopted the Mitigation Negative Declaration, IS-13-002 as part of the Conditional Use Permit Master Plan for the school.

The Zoning Administrator, under the provisions of Section 19.14.030 B of the Chula Vista Municipal Code, has conditionally approved said request based upon the following findings of facts as required by CVMC Section 19.14.190:

**That a hardship peculiar to the property and not created by any act of the owner exists.**

The site has a constraint on the property with the large slope in the southwestern portion of the site. The wall is required in order to provide additional parking spaces for the site. The hardship peculiar to the property was not created by any act of the owner. Pursuant to City regulations, no wall for commercial properties shall exceed 9-ft. in height. Due to the site constraints, a Variance is requested. The Variance will allow for the wall to be constructed providing additional parking spaces, a trash enclosure, modular maintenance building, and landscaping during Phase 2 of the master plan for the site. The wall will allow for less grading to occur within this area.

**That such a variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning districts and in the same vicinity, and that a variance, if granted would not constitute a special privilege of the recipient not enjoyed by his neighbors.**

The Project will allow the Applicant to build the wall in order to have enough room to provide additional parking, a trash enclosure, modular maintenance building, and landscaping during Phase 2 of the Master Plan for the site. These amenities will be used by the Church of Joy and Lutheran High School. The surrounding adjacent sites are relatively flat and have been developed with single-family or multi-family homes, however the subject property has large slopes throughout the site. Every effort was made to reduce wall heights elsewhere on the site, however due to the large slope within the southwestern portion of the parcel, a wall above 9-ft. is required.

**That the authorizing of such variance will not be of substantial detriment to the adjacent property and will not materially impair the purposes of this chapter or public interest.**

The granting of this Variance will not be of substantial detriment to the adjacent property. The other surrounding parcels are developed with single-family or multi-family developments and will not be adversely affected by the project. The majority of the wall will only be seen from inside the site. The portion of the wall visible from E H Street meets the height requirement. The construction of this project will improve the site, and allows its development full potential.

**That the granting of this variance will not adversely affect the General Plan of the City or the adopted plan of any government agency.**

The granting of this Variance will not affect the General Plan of the City. The proposed use is consistent with the General Plan, which designates the site as Residential Medium High (RMH). Per the Chula Vista Municipal Code, a church and school are considered an unclassified use and allowed in any residential general plan designation. Furthermore, the zone, established by the

Rancho Del Rey SPA I, Planned Community- Community Purpose Facility (PC-CPF) allow the use of a church and school on the property

- I. The following shall be accomplished to the satisfaction of the Development Services Director, prior to issuance of building permits, unless otherwise specified:

**Development Planning Division:**

1. The Applicant/Representative and Property Owner shall execute this document by making a true copy and signing both this original Notice of Decision and the copy on the lines provided below, said execution indicating that the Applicant/Representative and Property Owner have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document within 30 Days of the effective date herein shall indicate the Applicant/Representative and Property Owner's desire that the project, and corresponding application for building/grading permits and/or business license, be held in abeyance without approval.

\_\_\_\_\_  
Signature of Applicant/Authorized Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Property Owner/representative


\_\_\_\_\_  
Date

**II. The following on-going conditions shall apply to the Project as long as it relies upon this approval.**

2. Approval of this request shall not waive compliance with all sections of Title 19 of the Municipal Code, and all other applicable City ordinances in effect at the time of building permit issuance.
3. The Property Owner and Applicant shall and do agree to indemnify, protect, defend and hold harmless City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Variance and (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated on the Project Site. The Property Owner and Applicant shall acknowledge their agreement to this provision by executing a copy of this Variance Notice of Decision where indicated above. The Property Owner's and Applicant's compliance with this provision shall be binding on any and all of the Property Owner's and Applicant's successors and assigns.

4. This Conditional Use Permit shall become void and ineffective if not utilized within three (3) year from the effective date thereof, in accordance with Section 19 14.600 of the Municipal Code.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,  
CALIFORNIA, this 14<sup>th</sup> day of August 2014.

  
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Mary Ladiana  
Zoning Administrator